

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

HOMELAND INSURANCE COMPANY OF
NEW YORK,

Plaintiff,

v.

CLINICAL PATHOLOGY
LABORATORIES, INC., SONIC
HEALTHCARE USA, INC.

Defendants.

CIVIL ACTION NO. 1:20-cv-783

**DECLARATION OF JOHN T. BROOKS IN SUPPORT OF HOMELAND INSURANCE
COMPANY OF NEW YORK'S (1) REPLY IN SUPPORT OF ITS FIRST MOTION TO
COMPEL (DKT. 151), AND (2) REPLY IN SUPPORT OF ITS SECOND MOTION TO
COMPEL (DKT. 152)**

I, John T. Brooks, declare as follows:

1. I am a partner in the law firm of Sheppard, Mullin, Richter & Hampton LLP, attorneys of record for Homeland Insurance Company of New York (“Homeland”) in this matter.

I have personal knowledge of the facts set forth below.

2. True and correct copies of Clinical Pathology Laboratories, Inc.’s Objections and Responses to Plaintiff’s First Set of Requests for Production and five subpoenas Homeland served on various Aon entities (which are redacted to preserve the confidentiality of the women involved in the underlying Irish litigation) are attached as **Exhibit A**.

3. With regard to Mr. Van Houten’s declaration concerning the offer of an “attorneys eyes only” review of certain documents, I have searched my emails for communications on this topic. Based on my emails I located in my review, Mr. Van Houten first raised the possibility on January 20, 2022 with respect to documents supposedly containing “confidential business information,” leading me to send Mr. Van Houten an email on February 18, 2022 (i) noting the limited nature of the proposal, (ii) asking why the protective order was not sufficient to address business confidentiality concerns, and (iii) observing that the proposal appeared to leave CPL free to pick and choose which documents it would permit a review of. I did not find any email responding to these concerns. Mr. Van Houten touched again on the possibility of an attorneys-eyes only review in July 2022, but he did not commit to making any particular documents available and instead stated that “we can then discuss whether we can agree to make the document(s) available.” Today, Mr. Van Houten sent an email stating only that CPL “may” make documents available for an attorney eyes only review, but not again not committing to do so.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct and that this declaration is executed on October 17, 2022 at San Diego, California.



John T. Brooks

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of this document was served upon counsel of record for all parties who have made an appearance in this case at the addresses indicated by CM/ECF electronic notification on this 17th day of October 2022. I declare under penalty of perjury that the foregoing is true and correct.

/s/ John T. Brooks
